IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION NO.21746 OF 2003

Between:

Smt.Vedula Kamala, W/o.Gopinath

Sai Krupa, HIG-15, Vuda Layout, NAD Post

Visakhapatnam

...PETITIONER

And

1. The Commissioner, Visakhapatnam Municipal Corporation,

Visakhapatnam

2. The Chief Town Planner,

Visakhapatnam Municipal Corporation, Visakhapatnam

3. A.R.Krishna Reddy, R/o.D.No.4-69-28/1,

Lawsons bay colony, Visakhapatnam

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ, direction or order particularly one in the nature of Mandamus by directing the respondents 1 and 2 to demolish the unauthorized construction

adjoining in Plot No.14 raised by the 3rd respondent and as per notice issued by the 1st respondent.

Counsel for the Petitioner: DR. P.B.VIJAYA KUMAR

Counsel for the Respondents: MR.T.S.VENKATA RAMANA,

STANDING COUNSEL FOR VISAKHAPATNAM MUNICIPAL CORPORATION

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21746 OF 2003

ORDER:

The grievance of the petitioner is that third respondent is making unauthorized construction in HIG Plot No.14, Marripalem layout, N.A.D. Post, Visakhapatnam, and in spite of the complaint, the Commissioner of Visakhapatnam Municipal Corporation (hereafter called, the Corporation) has not taken any action. A direction is sought to respondents 1 and 2 to demolish the unauthroised construction. This

Court admitted the Writ Petition and directed the learned Standing Counsel for the Corporation to file counter affidavit.

In the counter affidavit filed on behalf of respondents 1 and 2 it is stated that the Corporation has issued notice under Section 452 of the Hyderabad Municipal Corporation Act, 1955 (for short, the Act) on 19.8.2003 to third respondent. As he failed to submit explanation, the Corporation also issued notice/order under Section 636 of the Act on 20.10.2003 to remove unauthorized construction. In that view of the matter, the cause of action does not survive.

The Writ Petition is accordingly disposed of directing respondents 1 and 2 to take appropriate action pursuant to orders issued under Section 636 of the Act immediately. No costs.

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(V.V.S.RAO, J)

3.9.2004

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To

1. The Commissioner, Visakhapatnam Municipal Corporation,

Visakhapatnam

2. The Chief Town Planner,

Visakhapatnam Municipal Corporation, Visakhapatnam

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